

STATE OF MICHIGAN

IN THE 16th JUDICIAL CIRCUIT FOR THE COUNTY OF MACOMB

In re: Caseflow Management Plan

Local Administrative Order 2015-02

Rescinds Local Administrative Order 2011-8

IT IS ORDERED:

This Administrative Order is issued in accordance with Michigan Supreme Court Administrative Order 2013-12.

A. Goals of the Court

The Court adopts the following Caseflow Management Plan to:

1. Expedite the disposition of all cases in a manner consistent with fairness to all parties and what is permissible under law;
2. Minimize the uncertainties associated with processing cases;
3. Ensure equal access to the adjudicative process for all litigants;
4. Ensure that the resolution of matters is guided by what is permissible under law by defined standards of service and by balancing the needs of the individual and society; and
5. Enhance the quality of litigation.

B. Case Processing Time Guidelines

The Court adopts this plan to comply with the time guidelines as set forth in Administrative Order 2013-12. The Court will not dismiss a case for the sole reason that it is likely to exceed the guideline.

C. Scheduling Policy

The Court will schedule all cases or contested matters in a manner that minimizes delay for the parties and that reduces the possibility of adjournment of scheduled events. The Court will control all cases from case initiation through post-disposition proceedings by:

1. Appropriate case screening;
2. Scheduling conferences and orders for the purpose of achieving date certainty;
3. Management of discovery and motion practice;
4. Realistic scheduling of all Court events.

The Court will monitor all cases and contested matters to ensure that no case exists for which a future action or review date has not been scheduled. The Court will schedule all cases pursuant to the time guidelines set forth in Administrative Order 2013-12. The Court will not permit a case or contested matter to remain on this Court's docket in excess of the guidelines set forth in this Local Administrative Order without immediate judicial review.

D. Adjournment Policy

The Court strictly adheres to MCR 2.503, as follows:

1. Unless the Court allows otherwise, a request for an adjournment must be by verified and written motion based on good cause shown. All requests for adjournment will be decided by the judge or his or her designee. Adjournments granted will be classified and tracked based on the reason given.
2. A motion for adjournment must state: 1) which party is requesting the adjournment; b) the reason for it; and c) whether other adjournments have been granted in the proceeding and, if so, the number granted.
3. The entitlement of a motion for adjournment must specify whether it is the first, or a later request, e. g., "Plaintiff's Request for Third Adjournment."
4. At the time a proceeding is adjourned, the proceeding must be rescheduled for a specific date and time.

5. In granting an adjournment, the Court may impose costs and conditions. Costs may be taxed summarily to be paid on demand of the adverse party or the adverse party's attorney, and the adjournment may be vacated if nonpayment is shown by affidavit.

E. Alternative Dispute Resolution (ADR)

The Court encourages alternative means to resolve disputes. Litigants will be provided with information regarding area dispute resolution and counseling centers. Cases referred to ADR shall remain open.

F. Pretrial Scheduling Orders

A pretrial scheduling order, captioned 'Discovery and Case Evaluation Order,' will be issued following the filing of an answer in civil cases. This order will cover, among other things, the applicable discovery time allowed by the Court in the cases, filing deadlines for summary disposition motions, case evaluation and witness lists.

A settlement conference will be scheduled in appropriate civil cases to discuss settlement, the potential for ADR, and any other issues in the case within 60 days of the filing of the answer.

G. Settlement or Final Pretrial Conferences

Every action that is not disposed of through mediation, case evaluation, or other means, will be scheduled for a settlement conference and conducted in accordance with MCR 2.401. Persons with authority to settle the case, including the parties to the actions, agents of the parties, representatives of lien holders, or representatives of insurance carriers shall be present at the conference, or with approval of the Court, immediately available at the time of the conference via telecommunications.

H. Trial Scheduling and Management

Unless otherwise directed by the judge assigned to the case, trials shall be scheduled at the settlement or final pretrial conference.

I. Monitoring Systems

The Court's case management system will:

1. Monitor case progress;
2. Generate reports for measuring pending inventory and measuring compliance with the time guidelines.

Specific reports that will be available from the case management system are: cases with no next action date, age of pending cases, number of cases pending beyond time standards by judge, age of cases at each event, age of cases at disposition, time intervals between events, and exception reports.

J. Effective Date

This Order shall take effect immediately upon approval by the State Court Administrative Office.

4-21-15

Date


John C. Foster, Chief Judge